

## What You Need to Know About North Carolina's New Anti-Trans Law

House Bill 2 was passed and signed on March 23, 2016. This is the first time that a bill mandating anti-transgender discrimination became law. This a huge setback for the trans community, and you have every right to feel angry, afraid or let down. We're not going to stop fighting until this law is off the books. But until we win, here are some things you should know to help you protect your rights and navigate this challenging situation.

### What this law does

This law has several parts:

- 1) It requires public schools and colleges and other public buildings--like government offices, libraries, parks and airports--to segregate restrooms and dressing rooms according the sex that is marked on people's birth certificates. This also includes government-run hospitals, clinics, and shelters.
- 2) It overrides several ordinances like Charlotte's that prohibited discrimination in public accommodations (like stores, hotels, restaurants and taxis).
- 3) It prohibits discrimination based on race, religion, color, national origin, or "biological sex" under state law, but says that segregating restrooms or changing rooms based on the sex on people's birth certificates is not discrimination under state law.
- 4) It also overrides local ordinances regarding wages and employee benefits, such as increasing the minimum wage.

### What this bill does not do

While this bill is far-reaching, there are many aspects of life that it *does not* directly affect. For example, it does *not* require private businesses to kick transgender people out of restrooms that match their gender identity or otherwise discriminate. The state law leaves it up to businesses to decide whether they'll let trans people use the right restrooms.

This law doesn't prevent local governments and schools from protecting trans people from discrimination when it comes to anything other than restroom use. For example, local governments and school districts still have and can create new policies against harassment of transgender people, can choose to respect the name and pronoun that people identify with, and can make sure that private information is kept confidential.

### Your rights under federal law

Federal law overrides state law. That means the new law doesn't change the fact that you're still protected under several federal nondiscrimination laws in a broad range of settings. Federal law requires employers, schools, health care providers, and many public and private institutions to treat people according to their gender identity, including by giving them access to restrooms and changing rooms based on who they are. The federal government will still enforce federal law against anyone that violates it, and many places will still let you use the right restrooms in spite of the North Carolina law so that they don't break federal law.

Here are some of places where this new law is in direct conflict with a federal law, which you can use to fight for your right to use the right restroom:

- **Public Schools and Universities.** [File a Title IX complaint with the Department of Education](#) if your school or college doesn't let you use the right restroom. Check out NCTE's [Know Your Rights in Schools Resource](#) and [Youth and Parent Fact Sheet](#) for more information.
- **Workplaces.** [File a Title VII complaint with the Equal Employment Opportunity Commission](#) if your employer won't let you use the right restroom or otherwise discriminates. Check out NCTE's [Employment Know Your Rights Resource](#) for more information.
- **Hospitals and clinics.** The Affordable Care Act requires most hospitals, clinics, and other health facilities and programs to treat people according to their gender identity, including for restroom use. [File a complaint with the Office for Civil Rights of the Department of Health and Human Services](#) if you face discrimination.
- **Housing.** [File a complaint with the Department of Housing and Urban Development](#) if a landlord, property seller or broker discriminates against you.
- **Domestic violence shelters, victim service programs, police and sheriff departments, and courts (if they accept federal grants).** Discrimination against trans people in domestic violence shelters and many other is prohibited by the Violence Against Women Act, the Victims of Crime Act, and other US Justice Department grant programs. [File a complaint with the Department of Justice](#) if a domestic violence shelter or other program doesn't give you access to facilities that match your gender.
- **Homeless shelters.** [File a complaint with the Department of Housing and Urban Development](#) if a homeless shelter or other housing program discriminates against you. Check out NCTE's [Housing and Homelessness Know Your Rights Resource](#) for more information.
- **American Job Centers and other job training programs.** [File a complaint with the Department of Labor](#) if you face discrimination in any job training programs or centers.
- **Highway rest stops.** [File a complaint with the Department of Transportation](#) if you face discrimination at a highway rest stop.

### **Using restrooms that match your gender**

In practice, many trans people will be able to continue to use the restrooms that match their gender. After all, few schools or government buildings have the time and resources to check each person's birth certificate before they use the restroom or monitor anyone who "looks" trans. But this law does make it more likely that trans people or people who look gender nonconforming will get harassed in restrooms.

If you continue to use restrooms that match your gender and face negative consequences, reach out to the [ACLU of North Carolina](#) for help. The new law doesn't say how it would be enforced or what would happen to people who use a restroom that doesn't match their birth

certificate, but it's possible that some schools or public buildings will ask you to leave, discipline you (in a school), or even treat it as a criminal offense like trespassing and call the police. It is possible, though unlikely, that you could be arrested. While the ACLU of North Carolina and other groups may be able to help you if you get disciplined or arrested, these things can have some long-term repercussions that you should be aware of. You can find out more information about the risks of getting arrested as a trans person and the step you can take to prepare yourself [here](#).

### **Changing your birth certificate**

The new state law requires schools and public buildings to segregate restrooms according to the sex on people's birth certificate. That means that under this law trans people who update the gender on their birth certificates can use the right restrooms. No one should have to carry documentation around just to use the restroom, but some trans people might feel more comfortable if they change the gender on their birth certificate.

Take a look at NCTE's [ID Documents Center](#) to learn about how to update the gender marker on your birth certificate in any U.S. state or territory. If your birth certificate was issued in North Carolina, you'll need a letter from a doctor saying that you'd have "sex reassignment surgery." The statute doesn't say what sex reassignment surgery means, and it doesn't require your doctor to specify what kind of surgery you've had. [Contact NCTE](#) if you have any questions about changing your birth certificate.

### **What to tell public facilities, schools and businesses**

- If a private business, like a restaurant or store, tries to bar you from using the right restroom, make sure that they're aware that the new law does *not* apply to private businesses. However, under the state law, you don't have the protected right to be in a restroom in a private business, and businesses are allowed to kick you out if they think that you shouldn't be there. Most businesses are not covered under federal law either.
- Take a look at our [Youth and Parent Fact Sheet](#) for more information about how to speak with your school.
- NCTE also is developing a series of letters to various types of public facilities explaining why they should continue to follow federal laws protecting trans people. This fact sheet will be updated with links to these letters in the coming days.

### **What we're doing**

- We're working with federal agencies and other advocacy groups to come up with legal strategies to challenge the law.
- We're training trans people and their loved ones to speak to the media and educate the public about the harms of this law. [Contact us](#) if you're interested in sharing your story with the media or want help writing an op-ed.
- We're mobilizing people in North Carolina to contact their legislators and governor, go to rallies and demand that the law be repealed. And we're organizing people from all over the country to put pressure on North Carolina's government and hold it accountable.

- We're working with businesses in North Carolina and around the country to take a stand against the law and take action to challenge it.

### **What you can do**

- Sign [this petition](#) to tell North Carolina legislators and the governor to repeal House Bill 2.
- Send op-eds and letter to the editors to your local newspaper. [Contact us](#) if you'd like any help writing or placing an op-ed.
- Reach out to people in your life for support. Remember that it's totally normal to feel upset, afraid or depressed because of this law. Make taking care of yourself or connecting with your loved ones a priority.
- Contact the [ACLU of North Carolina](#) if you are denied access to restrooms or harassed or disciplined for using a restroom.
- If you have additional questions, email [manafi@transequality.org](mailto:manafi@transequality.org)

